IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

Bail Appl..No. 6964 of 2006()

CRIME NO. 181/06 OF VALAYAR POLICE STATION
CRMP.3714/2006 of DISTRICT COURT, PALAKKAD

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PETITIONER

SREEMURALI, S/O. POOKALAN,
RESIDING AT KOOTTALA VEEDU, KAITHAPARAMBU,
NURANI, PALAKKAD.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
WALAYAR POLICE STATION, PALAKKAD.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 04/12/2006, THE COURT ON 7-12-2006 PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application No. 6964 of 2006

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Dated, this the 7th day of December 2006

ORDER

Petitioner who is the 3rd accused in Crime No. 181/06 of Valayar Police Station for an offence punishable under sec. 55(a) of the Abkari Act for allegedly facilitating the clearance of a lorry carrying 12250 liters of spirit at the Sales Tax Check Post, Valayar on 30-7-2006, seeks bail. The petitioner was arrested on 30-10-2006.

2. The learned Public prosecutor opposed the application. He made available to me the case diary files relating to the matter.

3. I perused the case diary files. It is too early to conclude that the giving of exist pass to the lorry by the petitioner who was a peon in the Sales Tax Check Post, Valayar without verifying the contents of the lorry was an isolated and

unintentional act committed by the petitioner after receiving illegal gratification. On the contrary, the case diary files reveal that the lapse on the part of the petitioner was not a solitary instance. I am not satisfied that both the grounds enumerated under Sections 41 A (b)(ii) of the Abkari Act are present in this case so as to justify the release of the petitioner on bail.

This application is accordingly dismissed.

V. RAMKUMAR,
(JUDGE)

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